

MAINE STATE LEGISLATURE

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REG.

L.D. 1529

DATE: 5/23/15

(Filing No. H-461)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT A to H.P. 1074, L.D. 1529, "Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended as follows.

1. The rule must be amended in the part designated "1. Parental Choice" by deleting the text in paragraph D and replacing it with text that clarifies that the parent will provide informed consent to their regional Child Development Services site that includes either an explanation of the option to remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten.

2. The rule must be amended in the part designated "3. Fiscal Process" by amending the text in paragraph A to establish that the regional Child Development Services site will submit a copy of the individualized family service plan consistent with 34 Code of Federal Regulations, Section 300.342c or individualized

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2 education plan for each eligible child whose parent elects to
3 receive services pursuant to this section to the Child
4 Development Services State Office.

6 3. The rule must be amended by inserting after the part
7 designated "3. Fiscal Process" a new part to establish that the
8 parent of an eligible 5-year-old that has been unable to inform
9 their regional Child Development Services site of their choice by
10 May 1st can submit a request for consideration to the Child
11 Development Services State Office by June 15th; and be it further

12 **Sec. 2. Finding. Resolved:** That the Legislature has determined
13 that the portions of Chapter 180, subchapter XIII: Continued
14 Provision of Free Appropriate Public Education for Five-Year-Olds
15 Born Between September 1st and October 15th that are authorized
16 for final adoption as provided in section 1 are consistent with
17 the legislative intent of the requirements to continue to provide
18 free and appropriate public education for certain 5-year-old
19 children as enacted by Public Law 2003, chapter 676. The
20 Department of Education is not required to hold hearings or
21 conduct other formal proceedings prior to finally adopting this
22 rule in accordance with this resolve.'

24
26

SUMMARY

27 This amendment provides that the provisionally adopted rule
28 submitted by the Department of Education may be authorized only
29 if certain designated portions of the rule are amended to:

30
31 1. Clarify that the parent of an eligible 5-year-old child
32 shall provide informed consent to their regional site of the
33 Child Development Services System that includes an explanation of
34 the option to either remain in the Child Development Services
35 System or the option to enroll in kindergarten and the specific
36 free, appropriate public education services that are available in
37 kindergarten;

38
39 2. Establish that the regional site of the Child
40 Development Services System shall provide a copy of the
41 individualized family service plan or the individualized
42 education plan for each eligible 5-year-old child whose parent
43 elects to receive services to the Child Development Services
44 State Office; and

45
46 3. Establish that the parent of an eligible 5-year-old
47 child who has been unable to inform their regional site of the
48 Child Development Services System of their choice by May 1st can

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submit a request for consideration to the Child Development Services State Office by June 15th.

AL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



Approved: 05/16/05 *MAC*

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LR 2314(02)

Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education

**Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education associated with rulemaking can be absorbed utilizing existing budgeted resources.